

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, May 3, 2021**

Mayor Schmidt called the meeting to order at 7:08PM.

Council Members Present: Will Dujardin, Chris Haver, Mona Merrill, Mallika Magner, and Jason MacMillan

Staff Present: Town Attorney John Sullivan, Town Manager Dara MacDonald, and Community Development Director Troy Russ

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Parks, Recreation, Open Space, and Trails Supervisor Joey Carpenter, Town Planner II Mel Yemma, Finance Director Rob Zillioux, Town Clerk Lynelle Stanford, Parks, Recreation, Open Space, and Trails Director Janna Hansen, Public Works Director Shea Earley, and Chief Marshal Mike Reily (for part of the meeting)

Everyone connected and participated in the meeting via Zoom. Schmidt, MacDonald, Stanford, Yemma, Russ, Zillioux, Reily, Carpenter, and Earley were present in Council Chambers.

Schmidt congratulated the Crested Butte soccer team for winning the state championship.

**APPROVAL OF AGENDA**

Haver moved and MacMillan seconded a motion to approve the agenda as written. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

**1) April 19, 2021 Regular Town Council Meeting Minutes.**

***Staff Contact: Town Clerk Lynelle Stanford***

**2) 2021 Quarter One Financial Update.**

***Staff Contact: Finance Director Rob Zillioux***

**3) Avalanche Park Colorado State Forest Service Services Agreement.**

***Staff Contact: Parks and Recreation Open Space Trails Supervisor Joey Carpenter***

**4) Appointment of a New Member to the Board of Zoning and Architectural Review (BOZAR).**

***Staff Contact: Planner II Jessie Earley***

**5) Letter of Support from The Town of Crested Butte to Habitat for Humanity and ColdHarbour Institute to Pursue a Grant Regarding a Feasibility Study of a Facility**

**to Accept and Facilitate Reuse of Building Materials to Be Located at the Coldharbour Ranch 7 Miles East of Gunnison.**

***Staff Contact: Planner II Jessie Earley***

Haver moved and Merrill seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Schmidt congratulated the new member of BOZAR, Luz LaBato.

## **PRESENTATION**

**1) Community-Scale Composting for the Gunnison Valley: A Feasibility Study, Dannah Leeman.**

***Staff Contact: Planner II Mel Yemma***

Yemma provided background on the section of the Climate Action Plan regarding waste. Yemma introduced Dannah Leeman. Leeman had been working on a feasibility study to determine opportunities for community-scale composting in the valley. Leeman stated there was a need for a composting facility. She reviewed the potential diversion rate of waste.

Leeman listed three recommendations to the Town Council: 1) Investigate and invest in existing infrastructure; 2) Invest in a public/private partnership; 3) Build a Conditionally Exempt Small Quantity (CESQ) or Composting-Class III facility in Gunnison County. Leeman reported on contracting opportunities with Thunder Mountain Organics, Waste Management, The Maintenance Company, and Compost Colorado. Leeman advised constructing a CESQ or going directly to a Class III facility. She presented a slide comparing a CESQ and a Class III facility. Most programs started with a CESQ. She described best practices and barriers.

Schmidt asked whether people dropped off their five-gallon containers and how communities dealt with bears. Haver thanked for the presentation and the information. He asked about making moves together with the County and whether Town was individually taking steps. Leeman agreed the approach should be regional, but it would be smart for Crested Butte to try something local. MacMillan asked for an example of a CESQ facility and whether there was one in Gunnison County. He brought up winter related to composting. Schmidt thought it would be good to explore the avenue with CBMR. Yemma explained they were not asking for action from the Council but were looking to explore opportunities. Dujardin questioned whether Town should go with the smaller option and then build on a regional partnership. Leeman said most programs started at the CESQ level, and it seemed to be the best way.

## **PUBLIC COMMENT**

Schmidt referred to a substantial number of comments received regarding the art community using the 1<sup>st</sup> and Elk parking lot for the Art Market. He asked people

commenting on the Art Market to keep comments to a minute. Secondly, he mentioned that Black Lives Matter was on the agenda for later in the meeting.

Shaun Horne - 323 Whiterock Avenue

- He spoke about using the 1<sup>st</sup> and Elk parking lot for vending when parking usage was low.
- The Artists of Crested Butte accepted “no” year after year.
- The Artists of Crested Butte had a solution at hand, a good reason for the use, and the board was willing to drive to a solution.
- He questioned why the artists could not use the 1<sup>st</sup> and Elk parking lot for Art Market.
- He did not think the Town highly ranked local artists.
- He compelled the Council to create a policy for the use of the parking lot for vendors during off peak times.
- Schmidt stated the Council would discuss, under Other Business, adding the topic to the agenda for the next meeting.

Tim Szurgot - 120 Wildbird

- He identified a potential development up Slate River Road that could be starting this summer that he referred to within a letter he sent to Council.
- It was hard to imagine a home of that size in what used to be wetlands.
- He listed effects on wildlife, the wetlands, and the precedence.
- They were looking for the Town to write a letter of support to the Board of County Commissioners for a building moratorium for the purpose of creating a separate district in the area.
- Schmidt asked regarding a permit with the Army Corps of Engineers.

Catherine Vader - 103 Maroon

- Vader was commenting concerning the Farmers Market.
- Upon submitting their special event application, she was told the Farmers Market and the Artists of Crested Butte would get space on Elk Avenue and/or in the parking lot at 1<sup>st</sup> and Elk.
- She was in limbo about whether the Farmers Market would get usage of the Zero Block of Elk to compensate for space for social distancing.
- She explained that the decision regarding the 1<sup>st</sup> and Elk parking lot was throwing the Farmers Market for a loop as well.
- She felt like it worked well for the Art Market to be in the parking lot, while the Farmers Market used the 100 Block and Zero Block of Elk Avenue.

Jim Starr

- He spoke in support of Szurgot’s comments on what was being proposed in the Slate River Wetland.
- The area was a unique and special area for the Town of Crested Butte.
- He said the Town could comment to the County, in order to establish limits of what could be done in the important wetlands.

- He urged the Town to continue to value the area and to support establishing a building moratorium and a special district.
- Dujardin suggested moving the topic to Other Business to discuss what Town could do.

### **STAFF UPDATES**

- Schmidt referred to the Manager's Report.
- MacDonald stated there were no additions to the report.
- MacDonald wanted to confirm that the Council did not want to add street closures on Elk Avenue in July. Schmidt wanted to move the discussion, together with what they were discussing with the 1<sup>st</sup> and Elk parking lot, under Other Business.
- Schmidt noted Town was up 58% in sales tax. MacDonald pointed out the financial update was on Consent Agenda.
- Russ reminded of Molly Minneman's retirement party. Schmidt thanked Minneman for her years of service.
- Schmidt reviewed the discussion he had with MacDonald regarding events on Elk Avenue in July for Dujardin. Schmidt confirmed the Council would discuss under Other Business.
- Dujardin heard rumblings about the state of the bike park by the school. Hansen reported they would be scheduling a workday, and the irrigation would be turned on for the season.

### **LEGAL MATTERS**

Sullivan updated on the litigation involving the petition to condemn a right of way going up to properties on Scenic Butte. Judge Patrick ruled and granted the petitioners their petition for a temporary right of way to condemn the easement that started on Trappers Way and wound up the property through BLM and Forest Service lands to the 160-acre parcel. Judge Patrick did require the petitioners to post bond. No construction could begin until they obtained required permits from a number of entities.

There was a discussion around traffic. Schmidt wanted the Town to write a letter to the County and BLM regarding concerns of extra traffic on Elk Avenue. Sullivan agreed it was an issue, and he would look at it more closely. Haver questioned what was being built and Sullivan explained. MacDonald showed a map depicting the property. She identified the proposed road. There was discussion on the specifics of the road, including grade.

### **PUBLIC HEARING**

**1) Ordinance No. 6, Series 2021 - An Ordinance of the Crested Butte Town Council Amending and Replacing Crested Butte Municipal Code Chapter 8, Article 2, Section 60, Designated Loading Zones.**

***Staff Contact: Public Works Director Shea Earley***

Schmidt read the title of the ordinance. Earley reported this ordinance would enact reorienting the designated loading zones on Elk Avenue and streamlining the times for the loading zones. Russ recognized the change would be a permanent change to the road and that business owners were notified.

Schmidt confirmed proper public notice had been given. He opened the public hearing. There were no comments from the public, and Schmidt closed the public hearing.

Haver clarified that 8AM to 5PM was not a new time period. Reily recalled the loading zones previously had random time periods. Earley thought consistency for the times would be good.

Dujardin moved and Haver seconded a motion to approve Ordinance No. 6, Series 2021. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Ordinance No. 7, Series 2021 - An Ordinance of the Crested Butte Town Council Amending Crested Butte Municipal Code Chapter 8, Article 4, Section 20, Speed and Special Hazards.**

***Staff Contact: Chief Marshal Mike Reily***

Schmidt read the title of the ordinance. Reily thought the Council seemed unanimous on selecting one portion of the ordinance that would change speeds on Elk, Sopris, and Maroon, when Elk Avenue went to a one-way. Schmidt confirmed the traffic calming devices were included.

Schmidt confirmed proper public notice had been given. He opened the public hearing. No one from the public chose to speak. The public hearing was closed.

Haver stated he would like Whiterock and around the school to have 10MPH speed limits. He voiced concern that it sounded like the speed limit on Elk Avenue was easily defended in the event of a lawsuit. Haver wondered why they were not doing the 10MPH speed limit all over Town. Russ outlined the Staff recommendation and said there was a nexus on what the Town was causing with Elk Avenue. Staff was interested in a traffic calming policy that could be discussed during the Community Compass. Traffic calming measures would affect what would be seen on Maroon and Sopris. Haver wanted to confirm Staff was comfortable. Russ explained that Staff followed Council direction received at the last meeting.

Magner moved and Merrill seconded a motion to approve Ordinance No. 7, Series 2021. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**OLD BUSINESS**

**1) Discussion on Lifting the Elk Avenue Outdoor Mask Mandate and Emergency Order.**

***Staff Contact: Town Manager Dara MacDonald***

MacDonald reminded the Council they discussed, about a month ago, the order that required mask wearing on Elk Avenue. She asked whether the Council was inclined to make any changes. The order would be in effect until rescinded. MacDonald outlined the County's current order under the blue level. There were three metrics the County was looking to achieve before moving to the green level. The first metric of over 10,000 vaccinated people in Gunnison County had not been reached. The second and third metrics had been met.

Schmidt was aware of Vail and Aspen removing their outdoor mask orders. He asked how the Council felt about lifting the order. Magner would defer to Joni Reynolds. MacDonald explained the CDC and State of Colorado had relaxed the mask orders for outdoors. The County's order addressed mask wearing when social distancing could not be maintained. Schmidt asked at the EOC meeting this afternoon what the recommendation was. Reynolds was away, and there was not a clear message from the health officer. Magner confirmed that when the County health order expired at the end of June, the mask order would go. Haver agreed with following the best health experts. He was happy waiting. He would like to follow Reynold's recommendations. Haver suggested waiting until the next meeting. Dujardin thought they could piggyback on the County's health order. Schmidt would ask Reynolds her opinion before the next Council meeting.

## **2) Consideration of Recommendations from the Black Lives Matter Community Coalition.**

***Staff Contact: Town Manager Dara MacDonald***

Schmidt referred to emails received regarding the agenda topic. Schmidt laid out a format for the discussion, on which Dujardin disagreed. Dujardin wanted the BLMCC to begin. Magner cited the normal process allowing applicants to present their petitions to the Council.

Chloe Bowman wanted to reiterate the BLMCC was focused on establishing a community wide commitment to establish tangible anti-racist policies. She reviewed background, starting with the proclamation in 2020. Members of the BLMCC have met with Town Staff on numerous occasions. The meetings allowed them to have a greater understanding of the complaint process, and the meetings highlighted a need for improvement. There was an unreasonable amount of subjectivity within the complaint process. Laird Cagan addressed the problem BLMCC would like to solve. People wanted a peaceful and safe place to live. Racism diminished the community while anti-racism enhanced the community. BLMCC did not want the Marshals to investigate themselves. BLMCC sought an ounce of prevention. They changed their recommendation on oral complaints and supported oral complaints being discussed with the complainant. If the complainant was satisfied, no further work needed to be done. If the complainant would not be satisfied, the person would be encouraged to complete a complaint form. The main issue was BLMCC's belief that the Marshals should not investigate complaints made on themselves. Human Resources (HR) would review written complaints. To Cagan, it was unclear where the Town stood. Cagan reviewed

BLMCC's recommended actions. Their goal was to reduce systemic racism and improve the Town of Crested Butte for all people. Ashley UpChurch stated they were here to make the future better. They were not accusing anyone of anything. Magner acknowledged it was a national examination, conversation, and discussion. It was not just in Crested Butte that processes needed to be transparent, open, and fair, and it was not personal against the Marshals. Dujardin recognized there were at least 37 emails in the last few days. It was cool to see how many people were passionate, and it was sad to read stories in the emails.

MacDonald requested the new list of recommendations from Cagan. Cagan told MacDonald the requests had not changed and were in the packet. MacDonald showed the complaint procedure flow chart of the Town's. Staff had been looking at the SOPs for the Marshal's Office, and they dusted off the complaint process earlier than planned. MacDonald listed the sources of complaints. She informed the Council that Staff added a comment form to the Town's website. The BLMCC wanted to draw a distinction between written and oral complaints within the SOPs. Written complaints would be submitted to HR. Magner identified the point the BLMCC was making was that a Marshal was assessing the complaint at the outset; a Marshal should not be the gatekeeper. MacDonald explained the situation would depend on whom received a complaint and whether it was an allegation of misconduct. A written complaint would go to HR. They were trying, through the SOPs, to direct any allegation of misconduct to go beyond the Marshal's Department. Magner questioned who made the determination it was a conduct complaint versus a service complaint. MacDonald stated Staff would follow up and investigate allegations of misconduct, oral and written. UpChurch confirmed that if an oral complaint were made, no matter who took the complaint in, the Staff member would tell the complainant they could make a written complaint that would go to HR. MacDonald confirmed that if an allegation of misconduct was made, regardless of oral or written, it would go to HR.

Magner asked about investigations of minor misconduct and how it was decided whether the misconduct was serious or minor. MacDonald would begin the investigation. The discussion turned to serious compared to minor misconduct. MacDonald continued by expounding upon written complaints. HR would follow up within five days. The disposition would be routed through HR. Magner wondered about an oral complaint to a Marshal. MacDonald explained that if a person declined to put anything in writing, it would be up to the Marshal. Town could not control when a person chose to talk to a Marshal in the field. MacDonald identified it came down to the integrity of the Marshals. Magner recommended that complaints were not investigated by Marshals. The police should not police themselves. Bowman pointed out implicit biases did not make them good or bad cops. They might not be able to distinguish the biases taking place. She was curious why they were not using Town Staff to take off the burden from the Marshals to distinguish whether or not biases were good or bad. Cagan thought it was more important what happened to written complaints. MacDonald read from the SOPs regarding the complaint process. She affirmed the Marshal's Office would not oversee a formal investigation. The intention was that formal investigations would be overseen outside of the Marshal's Department. Cagan clarified the BLMCC did not want Marshals

involved in any way on complaints of misconduct. Magner read that if a Marshal received a complaint, he or she determined whether the complaint involved misconduct. MacDonald affirmed a written complaint would always go to HR. Depending on the allegation, they would elevate to HR, if the allegation would be one of misconduct. The statements in the SOPs drew a line between formal and informal investigations of misconduct, and they outlined the role of overseeing and notification of HR when a written complaint was received on any allegation of misconduct. Misconduct would always go to HR and would be sent to the Town Council. Results of misconduct investigations were reported to HR, regardless of whom investigated. The Marshal's Office was removed from investigation of serious allegations. Any allegation of misconduct went to the Town Manager. The discussion became focused on HR and roles. The Town Manager would sign off on all personnel matters.

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Schmidt brought up the one-click icon requested for the Town's website. MacDonald conveyed that Staff did not recommend the link be placed on the homepage of the Town of Crested Butte because it sent a focused, negative message and presumption there was a problem. However, it could be done if directed by the Council. MacDonald reported on recommendation #7 from the staff report regarding anonymity of the complainant and the Marshal involved. They would do their utmost to be sure disclosure would never happen, but she did not want to falsely represent that it would not ever happen.

Schmidt opened the meeting to public comment.

Anna Fenerty

- She reiterated what Chloe (Bowman) said and how important it was to acknowledge implicit bias.
- They could have people with the best intentions that did not make the best decisions.

Emily Hatton

- At her place of work, a person who complained about her went to HR. If serious, the complaint went to a third party company. If there were any sort of complaint, it would be reviewed by someone outside of the institution.
- She was in support of BLM.

Carrie Wallace - 16 6<sup>th</sup> Street

- It would take less time to change the procedure and make the police more accountable.
- She was disappointed watching the meeting.

Kelsey McDonald - 112 Bambi Lane

- She was on the education subcommittee.
- It was confusing and disheartening how this discussion was going.
- The decision to not vote was rooted in defensiveness.

Sierra Cucinelli - 524 North Blvd



- She seconded what Kelsey (McDonald) said about rooted in defensiveness.
- They needed to be looking forward, just in case.
- She was concerned about the complaints and how they would be evaluated.

Schmidt thought the Council should review the seven requests/recommendations from BLMCC. He asked for Council comments on #1 (in the staff report). Haver asked for clarification on emails and letters and that written complaints would not be something written on a ticket. MacDonald informed the Council that HR was not an investigatory entity. HR had a role, but there was no HR investigatory entity within the Town of Crested Butte. Magner pointed out there were conflicts in the SOPs.

Number 2 was regarding oral complaints. It seemed Staff agreed with the request. Schmidt read request #3. MacDonald confirmed any written complaints or allegations of misconduct would be sent to the Council in a timely manner. The discussion became focused on the involvement of the Marshal's Department. MacDonald explained formal investigations would take place outside of the Marshal's Office. Magner reiterated the BLMCC did not want the Marshals to investigate themselves. MacDonald stated it would be crippling to the functionality of the department with minor deviations from policies and procedures. MacDonald provided examples of types of corrective training the Marshals were continually completing. Cagan confirmed written complaints would go to HR, and MacDonald would decide whether the complaint involved major misconduct. If it involved major misconduct, the complaint had to go out to an independent investigator. MacDonald stated any allegation of misconduct would come to her. Cagan thought it needed to be specific in the SOPs.

UpChurch was happy to continue the conversation around SOPs in the future. MacDonald would review the SOPs to check for inconsistencies with the statements made tonight. In the event of a complaint of misconduct of a serious nature, the Marshal's Office would not oversee the investigation. Haver recognized all written complaints went through and were reviewed by HR. At that point, minor misconduct could be investigated by the Marshal's Office. If there was major misconduct it went somewhere else to be investigated. Dujardin pointed out the BLMCC did not want the Marshals to investigate any type of misconduct, and they were trying to get at the bigger, deeper problems. Magner thought that the Marshals should not investigate minor misconduct when it related to misconduct with the public. Bowman identified micro aggression. MacDonald thought there was a path forward in which complaints of misconduct from the public where the lead investigator would be outside of the department. Haver noted the term, misconduct, meant different things to different people. Magner pointed out the terms were defined in the SOPs, and it was defined how each was investigated. Sullivan was happy to look through the policies again to make sure they were consistent with policies being discussed tonight. Bowman stated there was crossover with bias in service complaints. Merrill said there was a fine line they were walking in protecting everyone. She emphasized they all wanted to come to the same conclusion.

Next, #4 was discussed regarding how the form would be labeled. Staff recommended it be a comment or complaint form. Dujardin elaborated upon the reaction shared by the Community Coalition regarding the term compliment. They wanted a simple, clear complaint form. Magner conveyed the thought from the committee that a person would have to start looking around for where to make a complaint. She did not know how someone would know that comment meant complaint. Haver wondered if there should be two separate forms, one comment and one complaint. Dujardin stated the BLMCC was looking for one click to the complaint form from the homepage. On the homepage, there should be a button added called Marshal's Complaint Form that would go directly to the Marshal Complaint Form. Merrill was open to the change. Dujardin brought up how it was for people of color in the country. Schmidt was of the opinion there should be a button for comments and one for complaints. MacMillan was agreeable to Marshal's Complaint Form as a direct link to the complaint form if the BLMCC felt it was important. He did not think it was too onerous before to find the form. Bowman pointed out that MacMillan was not a person of color in a difficult situation. Haver would go along with the recommendation of Black Lives Matter. The majority of the Council agreed the Town's website should have the one click icon navigating directly to the Marshal's Complaint Form. Schmidt brought forth #5 concerning retaliation. He noted the statement that was added to the complaint form. Dujardin read from the statement from the form. Cagan agreed the statement just needed to be on the complaint form. MacDonald affirmed the statement was on the draft form. The form last updated in January was on the website, and Council approval was needed for the most recent draft. Schmidt affirmed the Council was agreeable to the language. Next, #7 about anonymity was discussed. No one from the Council or the BLMCC voiced disagreement with what was reflected in request #7 in the staff report.

Schmidt was unsure of the agreement regarding minor complaints. MacDonald saw a path forward with separating outward facing complaints that involved the public directly from internal operational complaints. It would take some time to think through. UpChurch said they were looking for affirmation it would happen, and she was happy to help. Schmidt thought it prudent to have the Council vote on the final verbiage. The discussion focused on the method Council would vote on each item. The wording in request #1 from the staff report was discussed. MacDonald identified that Human Resources was not an investigatory body. The nature of the complaint would determine the nature of the investigation. Dujardin said the BLMCC had been adamant that written complaints were not investigated by the Marshal's Department. MacDonald saw a pathway to describe complaints outward facing to the public versus internal looks involving policy and procedure. Schmidt questioned whether MacDonald needed to write it out and bring it to the Council. She confirmed Staff could come back to the Council with more specific language related to the second directive in #1. Merrill recognized the Council agreed on the points with word smithing. Dujardin stated the problem was that BLMCC had been really clear about #1, and the BLMCC and Staff were not in agreement. MacDonald cited an example of a minor misconduct investigation having to do with a problem with an officer not following policy, identified by the officer, that did not need to go to HR. Her suggestion was to cull out certain types of minor misconduct as considered by Staff and call that out in the definition of minor

misconduct. Merrill was trying to get forward action. Bowman recognized she was in a group that was seeking tangible action, and they needed a different plan of action. Magner reiterated they did not want the Marshal's Department to investigate themselves regardless of whether there was serious or minor misconduct. UpChurch was happy to continue the conversation around #1 with the Town. She did feel there were recommendations the Council could move forward on tonight. MacDonald wanted to be clear they were no longer talking just about written complaints. MacDonald identified that #1 was about written complaints. Magner's statement was much broader than #1. Magner reiterated they did not want the Marshal's Department to investigate themselves. MacDonald stated what Magner said was much different than #1 as reflected in the staff report. Magner wanted clarification from the Council. Cagan said the BLMCC agreed oral complaints could be routed as reflected in #2. Magner wanted to reiterate her commitment to the request of the committee. Number 1 was that all written complaints about policing went directly to HR where the complaint would be investigated, and it would be applied to all written complaints. Number 2 would be related to oral complaints as written in the staff report. MacDonald confirmed it was fine. Haver acknowledged that MacDonald was not the professional investigator. Cagan suggested the word screener. MacDonald confirmed written complaints would be investigated by the Town Manager, if and when they were received.

Dujardin made a motion to approve all seven recommendations of the Black Lives Matter Community Coalition.

Schmidt asked whether the motion included the clarifications that would be discussed by MacDonald and UpChurch. Dujardin thought MacDonald got it. Magner stated the SOPs needed to reflect what the Council was directing as the position of the Town. Schmidt then asked whether the motion included discussion between the Staff and BLMCC to clarify the SOPs. There was further discussion on the motion and method of voting. Dujardin noted the only change as written was to #5. Haver saw a change to #7. Dujardin pointed out they agreed on #7. Magner confirmed the motion would incorporate Staff recommendations as set forth in MacDonald's staff report with respect to item #5 and item #7 for inclusion on the Marshal's form. Dujardin agreed. Magner pointed out and read MacDonald's (not BLMCC's) #2 recommendation from her memo: "Direct the Town Manager to inform all Town staff and Council members to advise anyone making a complaint regarding the Marshals that they may utilize the complaint form online, or that they should offer to assist with filling out the form should the complainant desire assistance." It was confirmed the recommendation would be added to the motion.

Dujardin moved and Magner seconded a motion to approve all seven recommendations of the Black Lives Matter Community Coalition, along with the paragraph under #2 from the Staff's recommendation (direct the Town Manager to inform all Town staff and Council members to advise anyone making a complaint regarding the Marshals that they may utilize the complaint form online, or that they should offer to assist with filling out the form should the complainant desire assistance), and that #5 and #7 will include the

language in the Manager's report and the draft complaint form. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **NEW BUSINESS**

### **1) Budget Amendment for Purchase of Five Speed Alert Signs.**

***Staff Contact: Community Development Director Troy Russ***

Russ reported that the budget amendment followed through with the adoption of Ordinance No. 7. He described the signs that would be purchased, the cost, and the installation.

Merrill moved and Dujardin seconded a motion approving \$13,000 as an amendment to the Crested Butte budget for the purchase of five Radar speed alert signs. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Jason MacMillan

- Mountain Express was doing well.
  - Ridership was down.
  - There were a lot of COVID incidents.
  - They had been speaking with Aspen about an electric fleet.
  - The project for their new barn was going well.

Jim Schmidt

- MacDonald and Schmidt Zoomed with Tim Baker, who was leaving. Baker expected they would hire from within for his position.
- They were looking at full summer activities at the mountain.
- MacDonald and Schmidt were at the school planning meeting.
  - There would be surveys coming out about what the plan was, in which they would ask what was important to people.
- Haver asked about music on the mountain on Wednesdays. MacDonald said the resort did not want to provide logistical support, but the Town of Mt. Crested Butte might continue to do something.
- The Center indicated they would have at least five Alpenglöw concerts.

## **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Schmidt confirmed the Council wanted to talk about usage of the parking lot at 1<sup>st</sup> and Elk. Schmidt affirmed he wanted to discuss. No one on the Council voiced disagreement. MacDonald stated that nothing had been approved. The Council needed to provide direction on whether they wanted the parking lot to be available for events. MacMillan felt like it was okay for the Art Market to use the 1<sup>st</sup> and Elk lot, and the Farmers Market could use two blocks of Elk. Magner agreed. MacDonald clarified what was approved for last summer due to COVID. Magner asked if the Council could allow

the Art Market to apply to use the 1<sup>st</sup> and Elk parking lot. Haver thought the Council could allow the Art Market usage for this summer, but the Council would have to discuss the policy moving forward. No one voiced disagreement.

Schmidt brought up the Slate River letter. He questioned whether the Town wanted to submit a letter. Merrill agreed the development would be an eyesore in the corridor. She was concerned about the precedent and suggested they look into it. Magner agreed with having a letter drafted. Haver did not know what could be done. MacDonald asked for direction on the content of the letter. She suggested the Council members reach out to the Commissioners. Russ acknowledged the Town had no standing in the three-mile plan. He stated Staff could start to investigate the project. Russ reminded the Council that Town intended to update the three-mile plan as part of the Community Compass. Magner questioned the timeframe in which a letter would be submitted. Hansen asked Council to consider the Town's role with the Slate River Working Group.

Schmidt's concern about the Scenic Butte case was around the potential for many dump trucks rolling through Town. He wanted more information to make a comment to the Board of County Commissioners and to find out how it would affect the Town. He asked Sullivan to further research. Sullivan said he would provide a more detailed memo.

Schmidt informed the Council that the Cemetery Committee would be asking for more money to get projects done this year.

MacDonald asked about July street closures. Stanford pointed out the question was around a special event application for the Street Vault, who wanted to close part of Elk Avenue in July. The Council did not agree to add Elk Avenue closures in July.

Schmidt mentioned attendance at meetings. He thought the Council needed to come back and meet in the Council Chambers. He hoped people had been vaccinated. He asked when the Council should start meeting in person again. Magner preferred meeting on Zoom. Dujardin was concerned about space and for the ability for the public to comment. He liked the Zoom option, in general. Haver was hesitant to come back in because it sent a confusing message. He still wanted to hear from people who had not been vaccinated. Haver wanted to keep the Zoom component. Magner acknowledged the Council had much more public participation on Zoom. She thought Zoom meetings gave more access to democracy. Schmidt recognized it was more difficult to run meetings on Zoom. MacDonald asked whether Council members intended to come back in person. Staff could bring a budget amendment forward to the Council to continue to allow for Zoom during in-person meetings. Dujardin liked the hybrid concept. Dujardin recognized the agenda was long, and the load was not sustainable. He thought they should increase the number of meetings.

#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, May 17, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 7, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 21, 2021 - 6:00PM Work Session - 7:00PM Regular Council

### **EXECUTIVE SESSION**

Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Verzuh Open Space and Affordable Housing.

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Dujardin moved and Haver seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 12:26AM. The Council returned to open meeting at 1:21AM. Mayor Schmidt made the required announcement upon returning to open meeting.

### **ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 1:22AM.

  
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James A. Schmidt, Mayor

  
\_\_\_\_\_  
Lynelle Stanford, Town Clerk (SEAL)

